GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

SUPPLEMENTAL REPORT

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director

DATE: July 28, 2004

SUBJECT: BZA Case #17192, Variance and Special Exception Request

RECEIVED
D.C. OFFICE OF PLANNING
2004 JUL 28 P 5:25

I. APPLICATION-IN-BRIEF

Location Fort Lincoln Drive, NE, Washington DC
Square 4325, Lots 38, 39, & 40; Ward 5; ANC 5A

Applicant: Greenstein DeLorme & Luchs, PC for RLARC, owner

Zoning: R-5-A; within the Fort Lincoln Urban Renewal Plan Area

Proposal: Construction of a new 209 unit rowhouse development.

Relief Sought: Special Exceptions for rowhouse use within an R-5-A zone; to permit more than one principal building on a single subdivided lot; and for lot area and lot width.

Variances to floor area ratio, lot occupancy, rear, front, and side yard setback requirements, pursuant to §3103.

II. ADDITIONAL ANALYSIS AND INFORMATION

OP requests that the BZA accept into the record this report, which provides OP analysis of additional information presented by the applicant at the BZA meeting of July 20, 2004 to consider application 17192, Fort Lincoln townhomes. OP, in its report dated July 13, 2004 and in its testimony noted support for the general type of development, which would provide a significant amount of relatively affordable, for sale, single-family dwellings, of a size and configuration that would relate well to area development, can be accommodated by existing infrastructure and services, and would compliment current housing stock in the District. OP noted that the applicant had generally met the special exception tests for the creation of the theoretical lot subdivision, but had not provided suitable detailed analysis of the variance tests.

At that meeting, the applicant presented material that had not previously been provided or presented to the Office of Planning. Specifically, site sections showed the amount and location of cut, fill and retaining wall work. Additional OP analysis of the application based on this additional information is warranted, particularly since a major aspect of the applicant's justification for the requested variances related to existing topographical conditions on the property. At OP's request, the applicant supplied a copy of the site sections.

The site sections indicate a large amount of cut (over 20 feet on the site section) and fill (over 15 feet on the site section) proposed for the site – an amount that was not readily apparent in the site plans submitted to the Office of Planning in advance of the meeting. The applicant indicated that this was necessary due to the existing unstable soil conditions on the property,

Board of Zoning Adjustment
District of Columbia
CASE NO.17192
EXHIBIT NO.34

Case No. 17192
Exhibit No. 34

combined with local development conditions that necessitated the location of internal roads. The DC Generalized Soil Map indicates that much of the site is "*Urban land – Christiana-Sunnyside association*", characterized by "*urbanized land deep, nearly level to steep, well drained soils that are underlain by unstable clayey sediment; on uplands.*"

OP is concerned about the amount of site disturbance proposed, and the number and heights of retaining walls required to accommodate this leveling of the development portions of the site. The ability of the proposal to meet the variance tests for the individual lots is in question, since much of the variance justification provided by the applicant relates to the difficult terrain. In particular, OP feels that this additional information, if anything, makes even more difficult the case for the site topography presenting a "practical difficulty" related to the requested FAR, lot occupancy and setback requests, since the development areas of the site are being effectively leveled.

The amount of site disturbance may also be contrary to Fort Lincoln Urban Renewal Plan objectives, which mandates that:

> "*The arrangement and design of streets, open space, major entrances to the Project Area, buildings, off-street parking, and Pedestrian Ways should reflect the following principles which are intended to preserve, as much as possible, the natural environmental features, historic site, and vistas of the Project Area and achieve a high quality of site and building design.*" (§324.11;
>
> "*The existing environmental character and quality of the Project Area should be respected in the placement and design of buildings and other improvements in order to conserve the major natural features within the Project Area.*" (§324.16); and
>
> "*The alignment of Streets shall minimize the amount of grading and side slopes required and be compatible with existing topographic conditions.*" (§421.60)

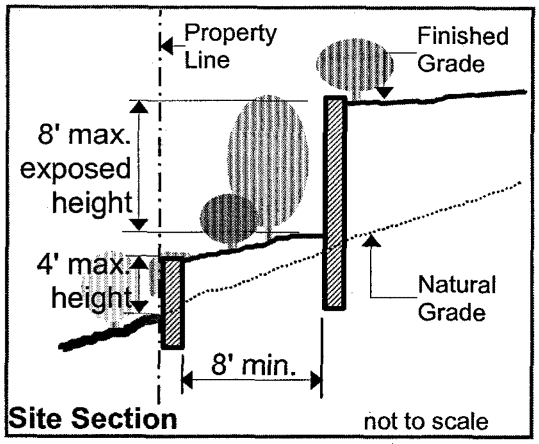
However, the FLURA Plan, as approved by Council in 1994, provides for RLARC and NCPC review and approval of the application against Plan goals, objectives, and criteria (§§631 & 632). This process will happen subsequent to a BZA ruling on the special exception and variance requests.

§2516.11 of the Zoning Regulations states that "*The Board may impose conditions with respect to the size and location of driveways; net density; height, design, screening, and location of structures; and any other matter that the Board determines to be required to protect the overall purpose and intent of the Zoning Regulations.*" In its report dated July 13, 2004, OP noted a number of conditions that the BZA may wish to consider. The applicant indicated in its testimony agreement with all of those conditions. Given the greater than anticipated amount of site disturbance and the resulting retaining wall work required, the BZA may wish to consider additional conditions in the Order, in accordance with the intent of the Zoning Regulations to protection of district character (§101.2).

1. Retaining Walls: OP recommends additional, specific conditions related to retaining walls.

    a. No retaining wall greater than 8 feet in exposed height is permitted. This is intended to lessen the visual appearance of retaining walls and soften their impact, and would appear to necessitate a "stepped" retaining wall approach along South Dakota Avenue.

b. No retaining wall greater than 4 feet in height is permitted along a site boundary line. Although no retaining walls on the site boundary lines are currently indicated, this would ensure that any redesigned retaining walls are of an acceptable height adjacent to the public way.



c. No retaining wall greater than 4 feet in height is permitted to be located any closer than 8 feet from another retaining wall. This is to provide adequate planting area for a "stepped" retaining wall system, if required.

d. Any retaining wall facing a public street and within 40 feet of the site boundary is required to be faced in stone.

e. Any private or public area located between a retaining wall and a public street or sidewalk is required to be landscaped to minimize visual impacts of the retaining wall on public ways. In specific, the landscape plan submitted by the applicant (Sheet 3, Dec. 2003) shows a retaining wall of as much as 20 feet in height facing South Dakota Avenue, set back about 30 feet from the property line. The landscape plan shows ornamental and evergreen trees at the top of this wall, but no substantial landscaping on the 30 foot setback area. In addition to breaking up the height of the wall, as per the conditions noted above, landscape screening in the form of bushes and shrubs appropriate to the location will help this retaining wall to be less visually objectionable than it otherwise would be.

f. Landscaped areas between stepped retaining walls and between retaining walls and property lines are to be required to be maintained by the homeowners association with adequate funding provided by the developer, and are required to have underground automatic watering systems installed at the time of retaining wall construction. This is intended to ensure the long term viability of landscaping that would be highly visible from public ways, but largely not visible from units within the proposed development. For the area of main concern, along South Dakota Avenue, OP recommends that the applicant investigate coordinating this watering system with the directly adjacent stormwater detention area, if it is possible to do so. OP further recommends to the applicant that they investigate the use of indigenous plant species to better ensure plant material viability.

2. Wooded Areas: OP noted in its original report that the BZA may wish to require careful protection for and fencing of the wooded areas, to ensure their retention and protection during the construction phase. Given the amount of site disturbance proposed and the relatively small size of the wooded areas on the north side of the site, this condition becomes more critical. The BZA may wish to strengthen the requirement to state that no fill or construction materials be placed temporarily or permanently within the drip lines of trees to be retained, that the areas be protected from excessive runoff, and that the applicant be required to have protection measures inspected and approved by a Certified Arborist prior to the construction of any homes on the site.

3. Additional Information: The BZA may wish to require the resubmission of a landscape plan in accordance with these conditions, reflecting mandated retaining wall and landscape changes, prior to issuing the Order. The BZA may also wish the applicant to provide additional justification for

the variances, and how the combination of topography, soil conditions, and FLURA Plan requirements results in the proposal meeting all three prongs of the variance test for the variances. Specifically, OP repeats that the case appears to have been adequately made for the requested special exception approvals for the creation of the lots themselves. However, OP does not believe that the applicant has yet made the case for how these site conditions result in a "practical difficulty" which creates an "exceptional condition", such that relief could be granted without detriment to the intent of the zoning regulations.

AA/jl